

1 THE WITNESS: Okay. Thank, Marissa.

2 MS. REPP: Okay.

3 THE WITNESS: I needed to be briefed and
4 Ms. Wright needed to be briefed, and as it turned out,
5 Dr. Ackerman needed to be briefed. And so we called Ernie
6 and I was just confused as to why something from 1997 had
7 languished.

8 Ernie spoke to Jackie and I, and Jackie and I felt
9 that we needed to prod, get something happening with regard
10 to the license challenge. That it felt like it was just
11 languishing there. We didn't know why but it was like,
12 well, we have to put some movement behind this. So, we
13 asked Ernie, Ernie, put some movement behind it. And he
14 said, I'm going to draft a response, I'll draft something,
15 you can look at this. I must say I never connected it to
16 this. I was still trying to figure out how to use the
17 copier. And this is really a complex situation and it had
18 happened a long time ago. And I didn't want to -- it takes
19 me awhile to decide about complexity, I didn't want to come
20 to any quick judgments, especially given the fact that some
21 people were still at the station that were involved in this.

22 So, then Ernie came -- this is April, so I had all
23 of March, by mid March I was starting to read through the
24 original complaint by GGPR and the supplemental, and the
25 license, actually the Public File looked in very good order

1 at that point. There were nicely labeled Issues Programs
2 List from the nineties, they had NPR and a couple of the
3 public affairs shows, they also had a Program Guide in them,
4 I saw that there was the contour map, I saw the engineer's
5 statement, it looked like everything was fine.

6 BY MR. SHOOK:

7 Q So, this would have been around mid March you
8 would have looked at the KALW Public File?

9 A Exactly. I mean I started to look at it in the
10 very beginning, like my second week there, because I had
11 three days off, after I started I had a brief time off I had
12 already planned something, couldn't be at work, so it really
13 got my feet on the ground the second week in March. I had
14 all my keys and all that. And was just trying to connect
15 the dots with all this and trying to get movement. And Mr.
16 Sanchez was game for the movement, yeah, you know. So, he
17 sent this to Jackie and I as a draft. And, you know, at
18 first glance it seemed fine, it seemed like things were
19 being answered, everything was in order, and that we were
20 trying to get some movement around this issue. So, we said,
21 that's great, Ernie, send it off.

22 Q Now, you know, I really only asked you about
23 Directive 1, and so it may be a bit unfair in the sense that
24 there were four other directives. And would it be the case
25 that you would have looked at the entirety of the letter and

1 the attachments prior to the time it was sent to the
2 Commission?

3 A I don't remember attachments but I do remember
4 looking at the letter, trying to read it as best I could,
5 certainly not with the eye that I have now.

6 Q Well, in reading it in March of 2001, or early
7 April of 2001, whenever it was that you actually read the
8 draft, did it ever come up that you should supply your own
9 declaration to verify whatever it was that was said in the
10 letter?

11 A No.

12 Q And would it be fair to state that you did not do
13 that because you didn't have any personal involvement in
14 what was going on at the station at the time the renewal
15 certification was made?

16 A I couldn't speak from knowledge, so --

17 Q Right, you weren't there.

18 A I wasn't there.

19 Q So, in terms of, you know, your understanding or
20 your view that the information that appeared in the draft
21 that you saw was accurate, it was based on your
22 understanding of the situation at the time?

23 A Exactly right.

24 Q Did you happen to discuss with Mr. Helgeson the
25 contents of the response to Directive 1?

1 A I don't remember. I might have, I don't remember.

2 Q Now, if you could look at Directive 2 and the
3 response to that?

4 A The Issues Programs List.

5 Q Right, which begins on page five. Why don't you
6 just take a moment to read through the response. You can do
7 that to yourself.

8 MR. SHOOK: We can go off the record.

9 (Off the record at 4:08 p.m.)

10 (On the record at 4:10 p.m.)

11 BY MR. SHOOK:

12 Q What you've read is Directive 2 and the response
13 that the station gave at that time in April of 2001. Did
14 you have a chance to review the station's response prior to
15 it's submission to the FCC?

16 A In the draft form, I looked over it.

17 Q And as far as you could tell, it was accurate?

18 A I can't really recall. I think I was working on a
19 lot of trust then.

20 Q One question that I didn't ask with respect to
21 Directive 1 and the response to it, and if you need to
22 please feel free to read it again, it's rather lengthy.
23 Knowing what you know now, is there anything in the response
24 that you would change? I can get more specific as time goes
25 along but I'll just start with something very broad and

1 general.

2 A That's a very complicated question, sir. I'm not
3 quite sure what I know now even. You mean about that time,
4 knowing what I know now about that time, or knowing what I
5 know now about Public Information File?

6 Q Let me try to break it out in little -- in more
7 manageable pieces. First of all, the directive is focusing
8 on what was going on in August 1, 1997 when the license
9 renewal application was filed. So, obviously it deals with
10 a period of time that you had absolutely no involvement in
11 what was going on at the radio station. But, knowing what
12 you know now, do you know whether the 'yes' response to the
13 directive on August 1, 1997, when the subject license
14 renewal application was filed, did the KALW Public
15 Information Files contain all of the Ownership Report and
16 Supplemental Reports required to be kept by then Section
17 73.3527?

18 A I'm not sure what I know now makes any difference,
19 only in that what I do know is I think everybody had correct
20 intent. When I looked at it, when I really drilled down
21 some months later and kept going back to the Public File,
22 because this was such a big deal, I saw there were Ownership
23 Reports in there for those years, it seemed fine. It was
24 like oh, okay, I didn't micro them, I didn't look at
25 everything, I just gave it a cursory look, oh, well, this

1 seems okay and this seems okay.

2 Q Let me tell you what is bothering the Commission,
3 I'll try to put it as well as I can. On August 1, 1997
4 there was a renewal application that was filed at the FCC
5 and one of the boxes was checked yes, to the effect that all
6 of the documents that the then rules required were actually
7 in the station's Public File. And following that, there was
8 the Petition to Deny, which came from Golden Gate Public
9 Radio and they made all sorts of charges. But, one of them
10 was to the effect that there were gaps in the understanding
11 Public File, that there were supposed to have been certain
12 documents in the file which at the time weren't there. And
13 so the certification wasn't appropriate, it should have been
14 checked 'no' instead of 'yes'. Now, fast forwarding to
15 February of 2001, the Commission is finally getting around
16 to focusing on this and it's asking KALW SFUSD to go back in
17 time and look at what was happening on August 1, 1997 and
18 just tell us yes or no, were all of the documents that were
19 supposed to be in the file there. And you can see from the
20 response that the first word is 'yes'. And you've indicated
21 to us that when you first came to the radio station you had
22 reviewed this response and draft and it seemed okay to you
23 based on what you knew at the time.

24 Well, now it's three and a half years later and
25 presumably there are things that you know now that you

1 didn't know in March of 2001, and so with that, all of that
2 background in mind, my first question is, is that 'yes'
3 response appropriate for what was in the station's Public
4 File on August 1, 1997?

5 A In all honesty, I would say that there were some
6 little tricks done by GGPR, that's my guess.

7 Q Okay. And what tricks do you think they pulled?

8 A There was open access to the Public File drawer.
9 Dave Evans was the Chief Engineer at the time, from what I
10 can gather, just from little notes that I've found in files,
11 where he would admonish an AO or praise them, he seemed a
12 little not schizophrenic, that's not the right word, but
13 passive aggressive.

14 Q Just enlighten me, what is an AO?

15 A Oh, announcer operator.

16 Q Okay.

17 A I'm sorry.

18 Q Okay.

19 A They're staff at the station.

20 Q Okay.

21 A And there was so much personalization of
22 everything. I mean people, it felt to me, in reviewing it,
23 in knowing some of the players on the periphery, because I'm
24 kind of a public radio industry person so I know all the
25 players in public radio, it seemed vicious, and that being

1 in a General Manager position at a couple of different
2 stations, I wouldn't be surprised if all kinds of things
3 were taken out of that Public File and used against the
4 station at all, it would not surprise me one iota.

5 So, I couldn't say for truth those things were
6 there or they weren't there because shenanigans were going
7 on with people that had complete access.

8 Q Now, recognizing that Mr. Evans is no longer with
9 us, and so there was no way for you to actually --

10 A Ever meet him.

11 Q -- confront him or question him about what he may
12 have done or not done relative to the Public File.

13 Apparently there are other individuals involved, or that had
14 been involved in this Golden Gate Public Radio petition, who
15 you could speak with, for example, Jason Lopez. And in that
16 regard did you ever happen to speak with Mr. Lopez about
17 access to the Public File and whether or not he may have
18 taken something from the Public File and not put it back?

19 A Quite frankly, I tried to have as little to do
20 with Mr. Lopez as possible. I didn't respect him. He had
21 come to -- the station had thrown a little party for me, I
22 think it was around mid April or something, just meet the
23 General Manager, and he appeared and he was very bold and
24 cavalier. And my heard was broken over a license challenge,
25 that's the worst thing you can levy against a station,

1 especially public radio. I'm very patriotic about it, I
2 believe in public radio as an American trust. And so I
3 couldn't be flippant, and he was very flippant with me at
4 this little party. And I just said, were you aware that
5 GGPR would never have gotten the station, it goes up to
6 auction, it's in the non-commercial bandwidth and it would
7 go for auction, it's not like it's handed to you, oh here,
8 now it's your pond. Oh, well, we were just, you know, he
9 gave me some blustery remark, I can't quite, I won't quote
10 him because I can't remember it, but I just backed off and
11 said, you know, it's cost the station a lot of money.

12 Q Did you have any subsequent contact with Mr. Lopez
13 about the substance of the petition or the substance of any
14 response that SFUSD made in response to the petition?

15 A I did not feel it was proper to commingle.

16 Q Do you know Deirdre Kennedy?

17 A I do.

18 Q Have you had any contact with her relative to the
19 substance of the Petition to Deny or SFUSD's response to the
20 petition?

21 A Zero.

22 Q Have you had any conversations with her at-all?

23 A She came to the station once about six months
24 after I had been there, wanted to use the production room.
25 I said okay. Then about three months after that she sent me

1 an email wanting to have a program on the station. And I
2 said no, try the station you're working for, KQED. And
3 that's been my contact with Deirdre Kennedy.

4 Q Have you had any contact with a person named Mel
5 Baker?

6 A Once over the phone.

7 Q And what was that all about?

8 A Mr. Baker works for Metro Traffic and we use Metro
9 Traffic for our traffic reports. And I believe the station
10 in the past has been sensitive enough not to ask for Mel to
11 be on our station and give the traffic report, we have
12 another guy we use. And I think at one time Mel was filling
13 in for somebody on a traffic report, it must have been about
14 a year ago, and he gave a terrible traffic report, and I was
15 really angry, like he had missed his cue and then when they
16 tried to bring him up again it was just really sloppy radio.
17 So, I called Metro and I'm like, hey, what are you doing,
18 this should be clockwork for you guys, you're butchering our
19 breaks, what's going on. Oh, Nicole, this is Mel Baker.
20 Oh, then I connected the dots, oh, I think I've seen that
21 name. You know, you're really doing great thing at the
22 station, I'm really sorry, GGPR -- and I said, you know,
23 really, Mel, I don't want to talk about it, please, if you
24 ever fill in again hit the spots. Click.

25 Q That was that?

1 A That was that.

2 Q And no subsequent contact?

3 A No.

4 Q All right, focusing on -- well -- focusing on the
5 response that SFUSD gives, the information that has come out
6 during the course of the depositions and other discovery
7 that we have done, is to the effect that Ownership Reports
8 that concern 1993 and 1995, what we have right now is dated
9 in December of 1997. In other words, it's dated four months
10 after the actual license renewal is filed.

11 A The license renewal was filed in July of 1997.

12 Q It was certified on July 31, it was filed on
13 August 1.

14 A Okay.

15 Q So, if the Ownership Reports for 1993 and 1995
16 weren't prepared for the first time until December of 1997,
17 the certification wouldn't have been correct, you would
18 agree with that?

19 A It sounds logical.

20 Q Now, has anything come to your attention that
21 would indicate that Ownership Reports for 1993 and 1995 had
22 in fact been prepared in 1993 and 1995, and not December of
23 1997?

24 A Only in this current process, I believe that that
25 did come up, that these were backdated, is that the correct

1 term.

2 Q I think I understand what you're saying. I'm not
3 really sure if that's correct, but I'm not going to worry
4 about that. I guess where I'm going with this is, did any
5 information come to you that said, for example, well, the
6 1993 report, which the only copy of which we now have bears
7 a date of December 1997, there was in fact a report prepared
8 in January of February of 1993 and that that report was
9 placed in the Public File at that time. Has any information
10 like that come to your attention?

11 A Not really.

12 Q With respect to the 1995 report, which is also
13 dated in December of 1997?

14 A Right.

15 Q The only copy we've got right now.

16 A Right.

17 Q Has any information come to your attention that a
18 1995 Ownership Report was in fact prepared and placed in the
19 station's Public File in January of February of 1995?

20 A Only as I've read through and noted the dates that
21 the then Superintendent Rojas signed it, that's what I meant
22 by going through this now and looking at those dates, on
23 what was in the Public Information File for the Ownership
24 Reports.

25 Q I'm showing you what we understand to be the 1995

1 report which came as Attachment 4 to some admissions
2 responses. When you get to page two of that form, you will
3 note that it appears to have been signed in December of
4 1997. And that there's a signature that appears to be
5 Baldomar Rojas. And then there are, it looks like, some
6 initials that follow. Do you have any knowledge as to who
7 that person may be, whose initials appear there?

8 A I have no knowledge at the station. In fact,
9 quite frankly nobody at the station has those initials. I
10 don't know. Maybe the secretary.

11 Q We're all hoping that at some point somebody will
12 jump and say it's me, but thus far we haven't had that.

13 A LD, is that the good kind of cholesterol?

14 Q I think it's HDL is the good one. Likewise, for
15 the one that has been presented to us as the 1993 Ownership
16 Report, which came as Attachment 2 to the admissions
17 responses, you'll see that this is for January 31, 1993.
18 And then when you go to the second page you will see that it
19 too appears to have been signed 10 December 1997. And again
20 we have Baldomar Rojas and the mysterious LD.

21 A Did this change, yes, it must have from --

22 Q Yes, we have different information in 1993 than we
23 do in 1995. There were changes. Has the preparation of the
24 1995 report been the topic of discussion in the office, that
25 you're aware of, do you have any idea how it is the report

1 came to be prepared?

2 A Not since I've been there.

3 Q Moving on to response No. 2, Directive No. 2, you
4 can see here on August 1, 1997, did KALW Public File contain
5 all of the Issues Programs Lists required by then Section
6 73.3527? And in response to that the letter provides a
7 'yes' and then it goes on from there. Knowing what you know
8 now, on August 1, 1997 did the station's Public File contain
9 all the lists that were required by the rules?

10 A I don't know anything more than anybody else. I
11 would hope so.

12 Q Okay. I mean I can tell you it's fair to state
13 that if you don't know, you can just say I don't know.

14 A I don't know, I really don't know.

15 Q And has anyone at the station ever told you that
16 on August 1, 1997 all of those reports weren't there, all of
17 those lists weren't there?

18 A Nobody ever said that.

19 Q Nobody ever said that?

20 A No.

21 Q On the other hand, has anybody said to you, on
22 August 1, 1997, by God, those lists were there?

23 A I surmised it from reading the draft.

24 Q Okay. But, has anybody at the station told you, I
25 mean like I'm talking to you now --

1 A It's more like the Issues Programs Lists were
2 fine.

3 Q And who would have told you that?

4 A Probably in conversation with Bill.

5 Q Bill Helgeson?

6 A Yes.

7 Q Okay.

8 A We don't have a very big staff.

9 Q All right. I'm on a first name basis with a few
10 people.

11 A Well, I mean there's not many people to talk to,
12 there's about three or four of us.

13 Q Now, reading the first paragraph where it talks
14 about SFUSD and the present management believe that its
15 Public Information Files as of August 1, 1997 contained all
16 required Issues Programs List, materials, etcetera. Are you
17 part of the present management that had that belief, or were
18 you not involved in what is covered here by the term
19 'present management'?

20 A I was not asked did I believe that the Public File
21 had all that, I was not asked that directly. I would
22 surmise that I was included, however, I would surmise that
23 it's management.

24 Q But, to be fair to you, there is no declaration
25 from you to that effect in this letter so --

1 A Right.

2 Q -- that's why I'm trying to hone in on whether or
3 not the present management, as referenced in this letter,
4 really is meant to include you or not, since --

5 A I don't know.

6 Q -- you didn't get to sign anything?

7 A (No audible response.)

8 Q Let the record reflect relief. Now, focusing in
9 particular on the last sentence of that paragraph where it
10 reads, 'Furthermore, according to information in the files
11 of KALW's counsel, KALW station management again reviewed
12 the Public Information Files in January 1998". Well, of
13 course that couldn't have been you because you weren't
14 there?

15 A Right.

16 Q All right, so that ends that. Now, moving onto
17 the next paragraph, the first sentence reads, 'However, when
18 KALW's present management reviewed the Issues Programs List
19 file for the period in question', and that would have been
20 the period covered by the August 1, 1997 renewal
21 application, 'in connection with', there should be a word
22 there, 'in making its response to the bureau's inquiry
23 letter, they did not find, for each and every quarter during
24 that period, specifically prepared lists with respect to all
25 locally produced programs, but only the nationally produced

1 NPR Issues Programs Lists.'

2 Did you have any role whatsoever in the factual
3 assertions that appear in this sentence?

4 A No, that might have been going on when I first
5 came in. I know that Bill was reviewing the Public File,
6 the Issues Programs List specifically.

7 Q Now, moving on to the next paragraph, the first
8 full paragraph that appears on page six, it reads, 'SFUSD
9 and KALW's present management are unable to explain what may
10 have happened to this', referring to other issues or lists
11 that were referenced above, 'or any other missing lists with
12 respect to its locally produced programs.' Again, where it
13 refers to KALW's present management, in the context of this
14 sentence, is that supposed to reference Mr. Helgeson?

15 A That's, I would assume.

16 Q And you would have no reason to assume otherwise?

17 A No.

18 Q I mean there wouldn't be anybody besides yourself
19 and him?

20 A Exactly, that's pretty much it.

21 Q As you say, a small staff. All right, moving on
22 to the second inquiry, which is basically a subpart of the
23 Directive No. 2, I guess it was broken out into two parts
24 and we couldn't be bothered to go 2(a) or 2(b), we just
25 lumped them together as 2. The second part of it reads,

1 'Did any lists that were in the file contain the information
2 required by Section 73.3527.' And the response to that was,
3 'SFUSD and the present management at KALW FM believe that
4 its Issues Programs List file contained all information
5 required by then Section 73.3527 but as stated above cannot
6 presently account for a limited number of lists of
7 significant issues that were treated in locally produced
8 programs.' Again, the present management would be
9 Mr. Helgeson?

10 A I assume.

11 Q Moving on to page seven, again there's a reference
12 to present management of KALW, your assumption would be that
13 that is referring to Mr. Helgeson?

14 A Yes.

15 Q In the context of this letter?

16 A In the context of that letter, yes.

17 Q Now, looking at the first full paragraph of page
18 seven, if you could please just read that to yourself?
19 Having read that first full paragraph that appears on page
20 seven of the April 5, 2001 letter, is there any information
21 in that paragraph that you know now to be inaccurate?

22 A I don't think so.

23 Q Now, looking at the sentence in the middle of the
24 paragraph, 'SFUSD believes and avers', and we had our little
25 conversation as to what 'avers' means, 'that these materials

1 were present in the file on August 1, 1997.' Do you have
2 any knowledge as to whether that in fact was so, that all
3 the Issues Programs Lists that were required by the rule
4 were in fact in the file on August 1, 1997?

5 A I have no idea.

6 Q Now, moving on to Directive Question No. 4, the
7 response refers to the present General Manager and
8 Operations Manager. I take it we're talking about two
9 separate people and the General Manager there referred to is
10 you?

11 A Yes.

12 Q And it states that, 'Those two persons have
13 completely reviewed the Public Information File and made
14 sure that it contains all required documents, reports and
15 information through to the present.' Would that be
16 accurate?

17 A That would be accurate. It was from 1992 on, I
18 believe.

19 Q In any event, you personally satisfied yourself
20 that the information that was supposed to be there, dating
21 back to the period that the Commission was concerned about,
22 was in fact in the file?

23 A Towards the end of March, yes.

24 Q Yes. Okay. And so when we get to Directive
25 Inquiry No. 5, as of the date of this letter is the file now

1 complete? And the response is 'yes'. And I take it, from
2 what you have told me, that that would be so, that the
3 answer to that question in April of 2001 was yes, is that
4 the case?

5 A Given my knowledge of what programs they were
6 doing, yes, I had a fairly limited knowledge because I
7 wasn't listening during the nineties, as to actually what
8 they were broadcasting, but given my limited knowledge at
9 the time, yes, I believe it was. It looked --

10 Q It looked okay to you?

11 A Nice labels.

12 Q Do you know who actually put the file together in
13 terms of something like this, a file folder that I'm holding
14 now that has a nice little label on it, do you know who
15 actually physically did that for KALW?

16 A Bill was working on it and he had a helper, a
17 woman.

18 Q And do you know who that helper was?

19 A Her name is Dawn Nagengast.

20 Q Is she still at the radio station?

21 A No.

22 Q Was she a volunteer or an employee at the time?

23 A She was a volunteer.

24 Q And when did she stop providing volunteer services
25 for the radio station?

1 A Shortly after I arrived.

2 Q Do you have any knowledge as to where she might be
3 right now, I mean not physically right now but, you know, is
4 she in this area, did she move out, do you have any idea
5 where she may be?

6 A I have no idea. I believe she might still be
7 around, I don't know, I have no connection whatsoever.

8 Q Not somebody that you stayed in touch with?

9 A No.

10 Q Now, Mr. Helgeson supplied a declaration in
11 connection with the letter that was sent to us in April of
12 2001. And if you could read to yourself the contents of the
13 declaration. We can go off for a minute.

14 (Off the record at 4:40 p.m.)

15 (On the record at 4:41. p.m.)

16 MR. SHOOK: Back on.

17 BY MR. SHOOK:

18 Q Ms. Sawaya, did you have any role whatsoever in
19 the creation of Mr. Helgeson's declaration that you're
20 looking at?

21 A None whatsoever.

22 Q Now, focusing on paragraph five, the first
23 sentence reads, 'I am familiar with and have personal
24 knowledge of the contents of KALW's Public Information File.
25 All the Ownership Reports and Supplemental reports provided

1 as attachments to the response letter are true and correct
2 copies of documents that are maintained in KALW's Public
3 Information File, which copies were provided to SFUSD's
4 counsel so that they could be included as attachments to the
5 response letter and provided to the FCC.' Did you have any
6 role in providing the documents that are referenced here,
7 that being the copies of documents that are maintained in
8 the Public Information File?

9 A No.

10 Q Do you know who did?

11 A I surmise Bill.

12 Q Right, but you did not and you don't necessarily,
13 you don't really know one way or the other who actually got
14 the documents?

15 A I really don't know one way or another.

16 Q Rule of thumb, when you don't know, don't be
17 afraid to say I don't know, it's not an adverse reflection.

18 A I don't know. That's unusual to say at a
19 microphone. Listeners, I don't know.

20 Q Now, one of the things that was sent to us as part
21 of the information that was in the station's Public File,
22 was a copy of a Program Guide. And this is for the period
23 April, May, June 1997. When you looked at the KALW Public
24 Information File, was a Program Guide available for each
25 period that was covered by the license renewal application

1 that is being contested?

2 A I seem to recall that there was.

3 Q So, in other words, there would have been program
4 guides that would have gone back to, well, probably 1991,
5 and so it would have had for 1991, for 1992, etcetera, and
6 this would have been probably the second to the last one in
7 1997?

8 A Right.

9 Q There would have been one for what, May, or no
10 excuse me, this would have been the last one, because the
11 renewal application was filed in August so, the next program
12 guide would have been July, August and September. But, your
13 recollection is that when you looked at the Public File
14 there were program guides that dated back to the --

15 A That's my recollection. Certainly there were the
16 late nineties. I don't recall really having the time. I
17 mean I looked through, seemed like every one of them had a
18 program guide in them.

19 Q All right. Now, looking at this final piece of
20 our puzzle, or this portion that we're looking at, this
21 appears to be a document that comes from National Public
22 Radio, and it concerns programs that they did. And it's a
23 12 page document, and as best as we can figure --

24 A Good old NPR.

25 Q Right, good old NPR -- as best as we can figure,

1 given the information here, it pertains to programs that NPR
2 ran, it looks like, in 1997, this particular one that I'm
3 pointing out, under War Ethnic Conflict Stymies Armenia
4 Progress.

5 A Morning Edition.

6 Q -- and Morning Edition, April 7, 1997, it ran for
7 eight minutes and one second, or I guess that's what that
8 means?

9 A Yes.

10 Q And then there was a person --

11 A Anne Garrels.

12 Q -- Anne Garrels. So, this 12 page list concerned
13 programming that NPR would have supplied to its network
14 stations, I presume during the period beginning April 1997
15 and continuing, it looks as if it goes into June of 1997.
16 And is this the kind of information that NPR would regularly
17 make available to stations such as yourself, to help you put
18 together the Issues Programs List?

19 A NPR is very fastidious about making sure that
20 their member stations has as many tools as possible to meet
21 FCC regulations.

22 Q Now, looking at this document, there's a date that
23 appears basically in the upper right hand portion, and that
24 date reflect that, the date looks like 3/14/01?

25 A Uh-hum.

1 Q Now, do you have any reason to know whether the 12
2 page document we're looking at here, that bears that date of
3 3/14/01, that that was when that document was generated?

4 A It might have been.

5 Q You don't know one way or the other?

6 A No, not for sure.

7 Q Again, it's okay to say you don't know.

8 A I don't know.

9 Q Now, the next document I want to show you, and it
10 may even be the last document I want to show you?

11 A Aw shucks, I'm getting less time than everybody
12 else.

13 Q I know, it's discrimination rearing its ugly head
14 again. Okay. What I'm showing you is a document that we
15 received from SFUSD and it was filed at the Commission on
16 September 7, 2004, and my first question to you is whether
17 or not you had any role whatsoever in providing the
18 information that appears in the Admissions Responses that
19 were sent to the Commission, and we can go off the record
20 and feel free to thumb through.

21 (Off the record at 4:49 p.m.)

22 (On the record at 4:53 p.m.)

23 MR. SHOOK: We're back on.

24 BY MR. SHOOK:

25 Q I'd like you to turn to page six and the

1 particular admissions request and then SFUSD response that I
2 want you to focus on is No. 12. And when you get to the
3 very last sentence, which appears on page seven, it states,
4 'The three pages that SFUSD believes constitutes the SFUSD
5 1993 Supplemental Ownership Report are reproduced at
6 Attachment 2 hereto.' And when you got to the back, there
7 are four attachments. And the second attachment is the one
8 that's referenced in that response, and it consists of three
9 pages, and the middle page of which reflects that it was
10 signed off on in December of 1997.

11 In response to admissions request No. 12, did you
12 have any role in gathering the three pages that appears as
13 Attachment 2 to the response?

14 A Yes, given Bill's eyesight issue, I've basically
15 been the one pulling together the paperwork out of the
16 Public File for this current round.

17 Q Did it come to your --

18 A Can I ask a question?

19 Q Sure.

20 A Is that what you mean by role?

21 Q Yes. Now, in the course of pulling the three
22 pages out, that appear as Attachment 2 in connection with
23 request and response No. 12, I take it, it came to your
24 attention that the document that you were submitting was not
25 the same one --